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JUN 19 2007

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Villoo Morawala Patell, et al.	:	
Application No. 09/868,025	:	<b>ON PETITION</b>
Filed: February 19, 2002	:	
Attorney Docket No. 145865.00005	:	

This is a decision on the petition filed January 25, 2007, under 37 CFR 1.137(b) to revive the above-identified application for copendency with a continuing application.

The petition is **GRANTED**.

This application became abandoned for a failure to file an Appeal Brief on or before August 1, 2006. On January 25, 2007, the present petition was filed. A Notice of Abandonment was subsequently mailed on February 12, 2007.

Petitioner seeks revival solely for obtaining copendency with continuing application No. 11/657,580 filed January 25, 2007, in that the necessary continuity inadvertently was not maintained at that time.

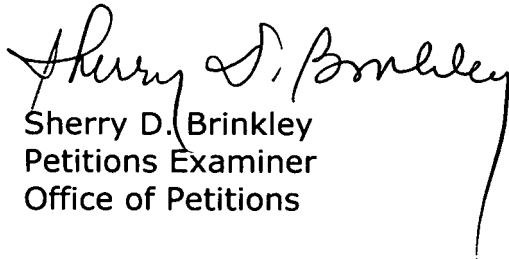
Since this application is being revived for purposes of continuity with application No. 11/657,580, and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

The offer to make the belated payment of the 5-month extension of time fee under 37 CFR 1.136(a) is unnecessary. Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no

extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$2,160 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions